

# CITIZEN POTAWATOMI NATION

# HowNiKan

People of the Fire

Special Edition -  
Constitutional Revision

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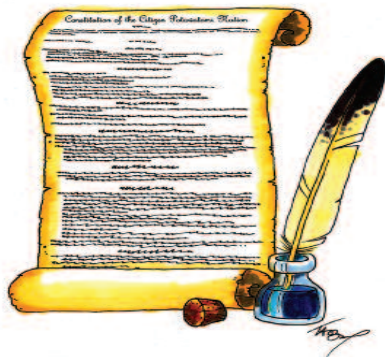
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## Vote deadline is August 16

# Constitutional amendment vote set

Citizen Potawatomi Nation members have begun requesting ballots for a special election on a long-awaited revision of the Nation's constitution. Votes in the all-absentee ballot election will be counted on August 16.

Long years of preparatory work and negotiations with the Bureau of Indian Affairs bore fruit with word from the U.S. Department of the Interior that tribal members will vote on the constitutional revision. The extensive amendment would make major, progressive changes in the Nation's basic form of government.

Most important, the amendment would create a 16-member Citizen Potawatomi Nation legislature, substituting it in the place of the current five-member Business Committee. Creation of the CPN Legislature would extend more authority and responsibility to CPN members who live outside the State of Oklahoma. Its ratification would be the next-to-final step toward creation of a true three-branch form of government with each possessing checks on the others.

Chairman Barrett says that, after more than 20 years of regional meetings and absentee voting, members who live outside



*CPN members registered for the constitutional revision election through July 16, 2007. They have until August 16 to vote.*

Oklahoma have earned a greater stake in making policy decisions for the Nation. "You know about the tribal government. You understand about the tribe. You're an integral part of the tribe," Chairman Barrett told members at the 2007 Kansas Regional meeting.

"It is time that you have a representative from Kansas in the tribal legislative body, so that the services the tribe provides begin to flow out from Oklahoma to the regions," he added.

To vote on the constitutional amendment, See **CONSTITUTIONAL VOTE** on page 14



## Business Committee Election

The Citizen Potawatomi Nation will hold its first-ever run-off election for a Business Committee seat. Get the details in the story on page 11 of this edition of the *HowNiKan*.

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*Following, on pages two through 10, are the current constitution of the Citizen Potawatomi Nation and the proposed revision, whose fate tribal members are deciding. The text of the existing constitution continues through the first half of page 6. The text of the proposed revision begins on the second half of page 6 and continues through most of page 10.*

CONSTITUTION  
OF THE  
CITIZEN POTAWATOMI NATION  
PREAMBLE

We, the Citizen Potawatomi Nation, sometimes designated as the Potawatomi Tribe of Oklahoma, infurtherance of our inherent powers of self-government, in order to take advantage of the opportunities for economic independence and social advancement offered by the Thomas-Rogers Oklahoma Indian Welfare Act of June 26, 1936, (49 Stat. 1976), do hereby adopt this Constitution pursuant to the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967) which shall supersede the constitution approved by the Secretary of the Interior on October 17, 1938, and ratified on December 12, 1938, and amended on September 27, 1956, December 27, 1960, April 24, 1961, September 21, 1970, April 20, 1983, May 29, 1985, April 22, 1987, April 3, 1989 with Secretarial approval May 5, 1989.

ARTICLE 1 - NAME

The official name of this Tribe shall be the Citizen Potawatomi Nation.

ARTICLE 2 - OBJECTIVES

**Section 1.** The objective of the Citizen Potawatomi Nation in organizing under this Constitution shall be:  
(a) To promote the general welfare of the Citizen Potawatomi Nation and its members by exercising to the fullest extent the inherent powers of self-government vested in the Tribe since time immemorial and any additional powers of self-government vested in the Tribe by Federal

or state law.  
(b) To secure for the Tribe and its members the powers, benefits, rights and privileges provided for in the Oklahoma Indian Welfare Act of June 26, 1936, (49 Stat. 1967).  
(c) To secure the powers, benefits, rights and privileges as provided by any laws of the United States now or hereafter enacted for the benefit of Indian or other citizens of the United States.  
(d) To secure, for the Citizen Potawatomi Nation, a charter of incorporation from the Secretary of the Interior that allows the tribe to enjoy, those powers specifically mentioned in the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967).

ARTICLE 3 - MEMBERSHIP OF TRIBE

**Section 1.** The membership of the Citizen Potawatomi Nation shall consist of the following persons:  
(a) All persons of Indian blood who were bona fide members of the Citizen Potawatomi Nation and who were enrolled or entitled to be enrolled on the official census roll of the Tribe on January 1, 1937.  
(b) Each child of Citizen Potawatomi Nation Indian blood born since the date of said roll of whose parents is or was a member of the Tribe.  
(c) Each child of the Citizen Potawatomi Nation Indian blood of a marriage between a member of the Tribe and any other person.  
(d) As used in this Article, the term "a member of the Tribe" means a member of the tribe at the time of the child's birth, or, in the case of a posthumous child, if membership rights are claimed through the deceased parent, the parent was a member of the Tribe at the time of death.  
(e) The burden of proof as to eligibility for membership in the Citizen Potawatomi Nation will be on the claimant for membership in each case.  
(f) The Business Committee shall have power to prescribe rules and regulations, subject to the approval of the Secretary of the Interior or his authorized representatives, covering future membership including adoptions and the loss of membership.  
(g) Any member who is enrolled after the effective date of this amendment, who was not otherwise eligible for enrollment, shall not be eligible to participate in the scholarship of prosthetic programs, which were developed from Judgement Funds awarded in Dockets 14-K, 29-J, 217, 15-M 29-K, and 146.

ARTICLE 4 - TRIBAL JURISDICTION

**Section 1.** The jurisdiction and governmental powers of the Citizen Potawatomi Nation shall, consistent with applicable Federal law, extend to all persons and to all real and personal property, including lands and natural resources, and to all waters and air space within the Indian country, as defined in 18 U.S.C. section 1151 or its successor, over which the Citizen Potawatomi Nation has authority.  
**Section 2.** The jurisdiction and governmental powers of the Citizen Potawatomi Nation shall also, consistent with applicable Federal law, extend outside the exterior boundaries of the Citizen Potawatomi Nation to any persons or property which are, or as may hereafter be, included with the jurisdiction of the Citizen Potawatomi Nation under any laws of the Citizen Potawatomi Nation, any State, or the United States.  
**Section 3.** The jurisdiction and governmental powers of the Citizen Potawatomi Nation shall be exercised by appropriate legislation enacted by the Tribe, to establish or provide for a tribal judicial system, a tribal law enforcement agency, and other appropriate administrative agencies of the Tribe.

ARTICLE 5 - CITIZEN POTAWATOMI NATION INDIAN COUNCIL

**Section 1.** There shall be a Citizen Potawatomi Nation Indian Council. The membership of the Citizen Potawatomi Nation Indian Council shall be all Citizen Potawatomi Nation Indians, 18 years of age or older who have not been adjudged incompetent by a court of competent jurisdiction.  
**Section 2** The Business Committee shall provide for the Citizen Potawatomi Nation Indian Council rules of procedure, subject to this Constitution, by appropriate legislation, and the Citizen Potawatomi Nation Indian Council shall exercise such authority and powers as are del-

# Vote for Bobbie Bowden

"Your Citizen Potawatomi Nation is at an important juncture. We are poised to take our success of recent times to new levels.

"These times call for tribal leaders with the experience to seek out answers to all the pertinent questions and make the hard decisions correctly. That's why I am backing Mrs. Bobbie Bowden for the Business Committee.

"Bobbie graduated from Choctaw High School in Choctaw, Oklahoma and attended the University of Oklahoma and Rose State University in Oklahoma City. She is professional, dedicated, and capable. Bobbie Bowden *will* serve the Citizen Potawatomi Nation with hard work and intelligent decisions." - John A. Barrett, Chairman



# Vote Bobbie Bowden

## Citizen Potawatomi Nation Business Committee

Ad Paid for by Friends of Bobbie Bowden

egated to it by this Constitution.

**Section 3.** There is reserved to the Citizen Potawatomi Nation Indian Council the authority to approve all actions of the Business Committee, or to delegate specific authority to the Business Committee to take particular actions, prior to any such action of the Business Committee becoming effective, which results in:

(a) The appropriation and budgeting of available tribal funds held in trust as the proceeds of any claim against the United States or from or as a result of any treaty obligation received from the United States including interest earned thereon for expenditure for the benefit of the Tribe;

(b) The sale of any land or interest in lands, and in connection with the purchase of lands or interest in lands, to authorize and cause to be executed a mortgage on encumbrance covering or extending to property not being purchased.

(c) Approval of any settlement of claim of the Citizen Potawatomi Nation against the United States.

## ARTICLE 6 - EXECUTIVE OFFICERS

**Section 1.** The executive Officers of the Tribe shall be the Chairman, Vice-Chairman, and Secretary/Treasurer who shall serve for four-year terms of office and until their successor shall be qualified and installed in office.

**Section 2.** It shall be the duty of the Chairman to preside at all meetings of the Council and the Business committee and perform all duties appertaining to the office, and the Chairman shall see that the laws of the Tribe are faithfully enforced. The Chairman shall have general supervision of the affairs of the Council and of the Business Committee.

**Section 3.** The Vice-Chairman shall perform the duties of the Chairman in his absence or during his incapacity to act and shall undertake such other duties as may be assigned to him by the Chairman or by law.

**Section 4.** The Secretary/Treasurer shall correctly record the proceedings of all meeting. He shall make out the order of business for Chairman, shall notify all committees of the appointments, shall have custody of the records and all papers of the council, which records and papers shall be open to inspection during business hours, in his presence, by any member of the Council desiring to read them. He shall keep a correct list of all members of the council and a correct list of all enrolled members of the Tribe, shall authenticate all accounts or orders of the council and in the absence of the Chairman and Vice-Chairman, shall call the meetings to order until a Chairman pro tem is selected. He shall render a written report at the annual meeting, and at the expiration of his term of office, the records and all papers in his possession shall be turned over to his successor. He shall issue notices of all meetings and conduct all general correspondence, as directed by the Council or Business Committee. The Secretary/Treasurer shall receive and keep all moneys of the Council and keep an accurate account of receipts and disbursements. The Secretary/Treasurer shall keep all tribal moneys entrusted to his care in one of more tribal accounts as may be provided by legislation of the Business Committee, and all disbursements therefrom should be made by check. At any time that such account(s) shall amount to more than \$50.00, he shall file a bond satisfactory to the Business Committee and the Commissioner of Indian Affairs. The costs of such bond shall be paid out of tribal moneys.

## ARTICLE 7 - BUSINESS COMMITTEE

**Section 1.** There shall be a Business Committee which shall consist of the Executive Officers as provided in Article 6, and two Councilmen who shall serve for four year terms and until their successor be qualified and installed in office.

**Section 2.** Subject to any limitations in this Constitution, and except for those powers expressly reserved to the Citizen Potawatomi Nation Indian Council by this Constitution, or delegated to another tribal entity by this Constitution, the Business Committee is empowered to enact legislation, transact business, and otherwise speak or act on behalf of the Citizen Potawatomi Nation in all matters on which the Tribe is empowered to act now or in the future including the authority to hire legal counsel to represent the Tribe, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior so long as such approval is required by Federal law.

## ARTICLE 8 - RECALL

**Section 1.** The Business Committee shall enact a Recall and Removal Ordinance establishing the procedures to be followed in consideration of recall actions. Said Recall and Removal

Ordinance shall contain the definitions of misconduct in office, which shall subject a tribal officer to a recall election. Thereafter, this ordinance may be amended or repealed only by the Council at an election conducted pursuant to Articles 10 or 13 of this Constitution. Such Ordinance shall provide that not more than two recall proceedings may be pending in the court at any time. A recall proceeding shall not include more than one official, unless the court consolidates two or more actions for good cause shown.

(a) There shall be a Grievance Committee, which shall consist of three members of the Citizen Potawatomi Nation Indian Council. The function of the Grievance Committee shall be to act as a fact finding body and to present the facts to the Courts of the Tribe in cases in which the Grievance Committee determines that there is a probable cause to believe that misconduct in office has occurred.

(1) The Grievance Committee, pursuant to such procedures as shall be provided in the Recall and Removal Ordinance, shall hear complaints of misconduct in office by members of the Business Committee or Judicial Officers of the Tribe. Upon showing a probable cause that misconduct in office has occurred the Grievance Committee shall file and prosecute a civil action in the court of the Tribe to determine and act upon such complaints, and shall undertake such other duties as it may be assigned by appropriate tribal law.

(2) In any recall action filed by the Grievance Committee, the Court, pursuant to the rules of civil procedure, shall have power, to hear the evidence and to determine whether the act or acts of misconduct in office have been shown by clear and convincing evidence so that a recall election should be held. If the Court determines that recall election should be held, a two-thirds majority of those voting in a special election held pursuant to Article 12, Section 6, shall be necessary to recall the officer from his office. Any appeal taken of the judgement of the Trial court ordering a recall election shall be expedited by the Supreme Court.

(b) If the Grievance Committee refuses to bring the action in the Court after a complaint is brought before them, the complaining party may proceed individually pursuant to this subparagraph (b) of this Article if he so desires. In the alternative, a complaining party, in his discretion, may bring an immediate court action pursuant to this subparagraph (b) without previous action by the Grievance Committee.

(1) The Court, pursuant to rules of civil procedure shall hear complaints brought by any person alleging misconduct in office by members of the Business Committee or Judicial Officers of the Tribe. The Court shall require, prior to hearing any such action, that the complaining party post a bond in such amount as the Court shall deem proper to guarantee the costs, damages, and attorneys fees of the person complained of in the event that the recall action was filed without probable cause to believe misconduct in office had occurred or that the recall action was otherwise filed in bad faith.

(2) In any such action, the Court shall have power, to hear the evidence of the complaining party or parties and to determine whether the act or acts of misconduct in office have been shown by clear and convincing evidence so that a recall action should be held. If the Court determines that a recall election should be held, a two thirds majority of those voting in an election held pursuant to Article 12, Section 6, shall be necessary to recall the officer from his office. Any appeal taken of the judgement of the Trial Court ordering a recall election shall be expedited by the Supreme Court.

**Section 2.** No person may be recalled pursuant to this article unless at least one hundred fifty (150) persons cast ballots in the recall election.

**Section 3.** Grievance Committee members may be recalled from office according to the same rules and procedures established in the Recall and Removal Ordinance except that the Business Committee shall act in the capacity of the Grievance Committee in such cases.

## HOWNIKAN

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**Vice Chairman - Linda Capps**  
**Sec./Treasurer - D. Wayne Trousdale**  
**Committeemen - Jim Snow**  
**Committeeman - Paul Schmidlkofer**

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ARTICLE 9- REMOVAL AND FORFEITURE

**Section 1.** Any elective body of the Tribe, and the Supreme Court in the case of any judicial officers, shall remove any of its members from office for misconduct in office, as defined in the Recall and Removal Ordinance, or upon conviction of such member by any Court of competent jurisdiction of a felony or other offense involving dishonesty or moral turpitude, or if such member becomes ineligible to hold his office under this constitution, by a unanimous vote of the remaining members of that body.

**Section 2.** Such removal action shall be taken only upon proof by clear and convincing evidence at a formal hearing during which a verbatim transcript and record of the proceeding is made, and at which the party complained of shall have the right to not less than thirty (30) days notice, the right to counsel at his own expense, the opportunity to cross examine witnesses against him, introduce any evidence in his favor, and to otherwise be accorded due process of law.

**Section 3.** A person removed in such a proceeding shall have the right to appeal the removal directly to the Supreme Court upon the record established at the hearing. During such appeal, which shall be expedited by the Court, the officer shall be deemed suspended but not removed from office until a final decision of the Court. For purposes of this Article, removal of an Executive Officer from the Business Committee shall also be deemed a removal from his Executive Office whether or not specifically state in the removal action.

ARTICLE 10 - INITIATIVE AND REFERENDUM

**Section 1.** The members of the Citizen Potawatomi Nation shall have the authority to enact legislation consistent with this Constitution by petition to the business committee bearing the language of the proposed tribal law, the signatures, roll numbers, and current address of at least ten percent (10%) of the Citizen Potawatomi Nation, residing within the counties of Potawatomi, Seminole, Pontotoc, McClain, Oklahoma, Lincoln, Cleveland, Okfuskee, State of Oklahoma, provided, that in the general election upon such proposed legislation which shall be called by the Business Committee within ninety (90) days of the receipt of a valid petition, a majority of the voters who cast ballots in such election vote in favor of the proposed legislation. Notice of such referendum election shall be given to the registered voters at least fifteen (15) days prior to such election. The Business Committee shall be bound by a vote enacting such proposed legislation into law from the date of the election at which such legislation was enacted until it expires by its own terms or until changed by voters at a subsequent election.

**Section 2.** The members of the Citizen Potawatomi Nation shall have the authority to reject any legislative action taken by the Business Committee by referendum petition to the Business Committee bearing the language of the tribal law sought to be rejected, the signatures, roll numbers, and current address of at least ten percent (10%) of the Citizen Potawatomi Nation Council, residing within the counties of Pottawatomie, Seminole, Pontotoc, McClain, Oklahoma, Lincoln, Cleveland, Okfuskee, State of Oklahoma, provided, that in the general election upon such legislation which shall be called by the Business Committee within ninety (90) days of the receipt of a valid petition, a majority of the voters who cast ballots in such election vote against the legislation as enacted by the Business Committee. Notice of such initiative election shall be given to the registered voters at least fifteen (15) days prior to such election. If the legislation is rejected by such vote, that enactment is null and void as of the date of referendum.

ARTICLE 11 - COURT

**Section 1.** The judicial power of the Citizen Potawatomi Nation is hereby vested in one Supreme Court consisting of seven (7) Justices and such inferior courts as may be established by Tribal law.

**Section 2.** The Courts of the Citizen Potawatomi Nation shall be courts of general jurisdiction and shall further have jurisdiction in all cases arising under the constitution, laws, and treaties of the Citizen Potawatomi Nation. The Supreme Court shall have original jurisdiction in such cases as may be provided by law, and shall have appellate jurisdiction in all cases.

**Section 3.** The Tribal Courts, in any action brought before them, shall have the power of judicial review, in appropriate cases, in order to declare that legislative enactments of the Business committee or the Council, are unconstitutional under this Constitution or prohibited by Federal statues and void. In such cases, the Court shall have the authority to declare such act void and to issue injunctive relief.

**Section 4.** The Supreme Court Justices and tribal Court Judges shall be selected by the Business Committee and confirmed by the Citizen Potawatomi Nation Council at a general election called for that purpose and shall serve six (6) year terms and until their successor be duly confirmed and installed. At the expiration of such term, each Justice or Judge may, at his option, be considered for reconfirmation to a new term by the Council.

**Section 5.** Vacancies in Tribal Judicial Offices may be filled by appointment of the Business Committee for the remainder of the unexpired term. Such appointment shall be valid for not more than one hundred twenty (120) days unless the Citizen Band Potawatomi Indian Council confirms the appointee to complete the remainder of the unexpired term. If no Citizen Band Potawatomi Indian Council election is called to act upon such appointment within the one hundred twenty (120) day period, the appointment of that person shall not be renewed.

**Section 6.** This Article shall be effective upon enactment of enabling legislation by the Business Committee, and the installation in office of the first Justices and Judges selected according to this Article. Until this Article becomes effective, the judicial power of the Citizen Band Potawatomi Tribe of Oklahoma shall be exercised by the Court of Indian Offenses for the Anadarko Area Office jurisdiction, provided, that the Business committee shall have the authority, until the effective date of this Article, to contract for the operation of the Court of Indian Offenses either separately or in conjunction with any other tribe or tribes within the jurisdiction of that Court, or to establish an interim tribal judicial system by legislation pursuant to 25 C.F.R. section 11.1(d)(1983) or its successor.

ARTICLE 12 - ELECTIONS

**Section 1.** The Chairman, Vice-Chairman, Secretary/Treasurer, two Councilmen, and members of the Grievance Committee shall be elected for a four year term of office and until their successors be qualified and installed in office by a majority vote at an election to be conducted by secret ballot, with absentee voting, on the date of the annual Citizen Band Potawatomi Indian Council meeting. All elections shall be conducted pursuant to an election ordinance adopted by appropriate legislation of the Citizen Band Business Committee. At the time of their election they shall be: a member of the Citizen Band Potawatomi Indian Council, not less than twenty-one (21) years of age, reside within the Counties of Pottawatomie, Seminole, Pontotoc, McClain, Oklahoma, Lincoln, Cleveland, or Okfuskee, State of Oklahoma, and not have been convicted of a felony or other crime involving moral turpitude in any court of competent jurisdiction within ten (10) years previous to the date of the election, unless pardoned.

**Section 2.** No person shall be allowed to run for, or hold, more than one elected tribal position at any one time.

**Section 3.** In order to provide for staggered terms of office, in the next regular election, following the adoption of this amendment, the Councilman #2 position shall be filled in 1989 for a two (2) term to 1991, and thereafter for four (4) year terms; the Councilman #1 position shall be filled in 1989 for a three (3) year term to 1992, and thereafter for four year terms; in 1989 and thereafter the Chairman's position shall be filled for four (4) year terms; and 1990 and thereafter, the Vice-Chairman and Secretary/Treasurer position shall be filed for four (4) year terms. The Grievance Committee members shall continue to be elected for two year terms of office in the same sequence as in effect at the time this amendment is adopted.

**Section 4.** The newly elected officer shall be installed immediately upon their election or at such time as may be provided in the election ordinance approved by the Council, or as soon thereafter as any period provided by law for a challenge to the election has expired or as soon thereafter as any dispute regarding the election be finally resolved as provided by law.

**Section 5.** The incumbent officers as of the date of adoption of this Constitution shall continue to serve until the normal expiration of their terms as provided for in Section 3 of this Article, and the election held upon expiration of those terms shall be the first regular election held pursuant to this Constitution.

**Section 6.** Special elections for the recall of Tribal officials shall be conducted by an independent Election Board, to be established pursuant to an election ordinance prescribed by the Business Committee and concurred in by the council, in order of the court provided that at least one hundred fifty (150) persons must vote in order for the recall election to be valid. Other special elections shall be conducted by the Election Board as required in Article 10 or Article 13, or upon request by resolution of the Business Committee.

ARTICLE 13 - MEETINGS OF THE COUNCIL

**Section 1.** Annual meetings of the Citizen Band Potawatomi Indian Council shall be held on the last Saturday of June of each year for receiving reports and any other business which may come regularly before the Council. The purpose of the Citizen Band Potawatomi Council meetings shall be to give information and to discuss any matter pertaining to the Citizen Band Potawatomi Indian Tribe of Oklahoma. Any matter pertaining to the Citizen Band Potawatomi Indian Tribe of Oklahoma. Any actions taken with respect to the authority reserved to the Council by this Constitution shall be made only by a subsequent election held in accordance with, and within the time specified in, the election ordinance, which election shall be open to all members of the Council.

**Section 2.** Such meeting shall be held at the Tribal Office Building designated for that purpose at the Citizen Band Potawatomi Capital Complex south of Shawnee, Oklahoma, unless some other point under the jurisdiction of the Citizen Band Potawatomi Indian Tribe of Oklahoma is specifically designated in the call.

**Section 3.** Special meetings of the council may be called at the discretion of the Chairman, and shall be called by him upon the written request of the majority of the Business Committee or the written request of one hundred fifty (150) members of the Council.

**Section 4.** The principal object of the special meeting must be stated in the call for same and may include the words “and for the discussion of other business” can be discussed except for the object stated in the call. Any actions taken with respect to the authority reserved to the Council by this Constitution shall be made only by a subsequent election held in accordance with, and within the time specified in, the election ordinance, which election shall be open to all members of the Council.

**Section 5.** Notice of meetings of the Citizen Band Potawatomi Indian Tribe of Oklahoma Council shall be given through all appropriate means by the Secretary/Treasurer of the Business Committee at least ten (10) days prior to the date of such meeting.

**Section 6.** The agenda for each meeting of the Citizen Band Potawatomi Indian Tribe of Oklahoma Council shall be compiled by the Business Committee. Following completion of discussion on all agenda items other tribal business may be discussed, subject to the requirements of Section (4) of this Article.

**Section 7.** As required, following the meetings of the Citizen Band Potawatomi Indian Tribe of Oklahoma Council, the election board shall conduct an election pursuant to the election ordinance to decide the issues presented to the Council.

ARTICLE 14 - MEETINGS OF THE BUSINESS COMMITTEE

**Section 1.** The regular meetings of the Business Committee shall be held the last Thursday in February, May, August, and November unless otherwise provided in resolution.

**Section 2.** Special meetings of the Business Committee may be called by the Chairman at his discretion, and shall be called by him upon the written request of three (3) members of the Business Committee.

ARTICLE 15 - VACANCIES

**Section 1.** Any elected officer of the Citizen Band Potawatomi Indian Tribe who, during the term for which he is elected, is convicted of any felony, shall automatically forfeit his office. Any elected officer found guilty of a misdemeanor involving moral turpitude, gross neglect of duty, malfeasance in office or misconduct reflecting on the dignity and integrity of the tribal government, may be removed from office by majority vote of the Business Committee. Before any vote for removal from office is taken, such member or officer shall be given a written statement of the charges against him at least five (5) days before the meeting of the Business Committee before which he is to appear, and he shall be given an opportunity to answer any and all charges at the designated meeting.

**Section 2.** The Chairman, subject to the approval of the majority of the remaining members of the Business Committee, whether or not the number of remaining members would constitute a quorum shall have the authority to appoint persons to fill any vacancies in any elective office on an interim basis until the next regular election at which time a person shall be elected to serve the remainder of the unexpired term or for a new term in its regular order as the case may be.

**Section 3.** In case of vacancy in the office of Chairman, the Vice-Chairman shall succeed at once to the office of the Chairman until the next regular election at which the office of Chairman shall be filled for the remainder of the unexpired term or for a new term in its regular order as the case may be.

**Section 4.** During the period in which the Vice-Chairman serves as Chairman under these circumstances, the Vice-Chairman's office shall not be considered vacant and he/she shall return to serve the unexpired portion of his/her own term of office (if any) upon election and installation of a Chairman. Should the Vice-Chairman be elected, to the chairmanship, his vacancy shall be filled according to Article 12, Section 1.

ARTICLE 16 - RIGHTS OF PERSONS

**Section 1.** The Citizen Band Potawatomi Indian Tribe of Oklahoma shall not:

- (a) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceable to assemble or to petition for a redress of grievances.
- (b) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to the searched and the person or thing to be seized.
- (c) Subject any person for the same offense to be twice put in jeopardy.
- (d) Compel any person in any criminal case to be a witness against himself.
- (e) Take any private property for a public use without just compensation.
- (f) Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense.
- (g) Require excessive bail, impose excessive fines, or inflict cruel and unusual punishment.
- (h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law.
- (i) Pass any bill of attainder or ex post facto law.

# Vote for Bobbie Bowden

“Fellow Citizen Potawatomis, you are making a very important decision for the tribe’s future as you cast votes in this Business Committee run-off. I ask you to join me in looking to the tribe’s future with a vote for a qualified decision-maker with solid ties to the Nation and her family.

“Mrs. Bobbie Bowden is a member of the Trombla family, an original Kansas family of the Citizen Potawatomi Nation. As Vice President of Capitol Abstract & Title Company and Branch Manager of the Midwest City location for 11 years and with nine years of commercial banking experience, she brings a powerful combination of experience and talent to her candidacy for the Business Committee.” - Linda Capps, Vice Chairman



# Vote Bobbie Bowden

## Citizen Potawatomi Nation Business Committee

Ad Paid for by Friends of Bobbie Bowden

(j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

ARTICLE 17 - QUORUM

**Section 1.** Three members of the Business Committee shall constitute a quorum at any meeting.

**Section 2.** One Hundred Fifty (150) members of the Citizen Band Potawatomi Indian Council shall constitute a quorum to transact business at a meeting. Should a quorum not be achieved at a duly-called meeting of the Council, the Business Committee may initiate a referendum election on any agenda items which require action by the Council under the authority reserved to it by this constitution. Such referendum election shall be conducted pursuant to the provisions of the election ordinance.

ARTICLE 18 - TRIBAL ENACTMENTS

**Section 1.** All final decisions of the Council on matters of temporary interest or matters relating to particular circumstances, officials, or individuals shall be embodied in resolutions. Every resolution of the Council shall begin with the words, “Now, therefore be it resolved by the Council of the Citizen Band Potawatomi Indian Tribe of Oklahoma”.

**Section 2.** All final decisions of the Business Committee on matters of temporary interest or matters relating to particular circumstances, officials, or individuals shall be embodied in resolution. Every resolution of the Business Committee shall begin with the words, “Now, therefore be it resolved by the Business Committee of the Citizen Band Potawatomi Indian Tribe of Oklahoma”.

**Section 3.** All final decisions of the Council of the Citizen Band Potawatomi Indian Tribe of Oklahoma upon ongoing matters necessary to the orderly administration of tribal affairs, or having general or continuing application shall be embodied in ordinances, which may be called statutes. Every ordinance shall begin with the words, “Be it enacted by the Council of the Citizen Band Potawatomi Indian Tribe of Oklahoma”.

**Section 4.** All final decisions of the Business Committee of the Citizen Band Potawatomi Indian Tribe of Oklahoma upon ongoing matters necessary to the orderly administration of tribal affairs, or having general or continuing application shall be embodied in ordinances, which may be called statutes. Every ordinance shall begin with the words, “Be it enacted by the Business Committee of the Citizen Band Potawatomi Indian Tribe of Oklahoma”.

ARTICLE 19 - AMENDMENTS

Amendments to this Constitution may be proposed by a majority vote of the Business Committee or by a petition signed by thirty percent (30%) of the adult members of the Tribe, and if approved by the Secretary of the Interior, shall be submitted to a referendum vote of the members of the Tribe, and shall be effective if ratified by a majority vote.

ARTICLE 20 - SAVINGS CLAUSE

Any previous ordinances or resolutions enacted by the Tribe shall continue in full force and effect to the extent they are not in conflict with this Constitution unless revoked or amended in the future.

ARTICLE 21 - RATIFICATION

This Constitution, when approved by the Secretary of the Interior and ratified by a majority vote of the qualified voters of the Citizen Band Potawatomi Indian Tribe voting at an election called for that purpose by the Secretary of the Interior, in which at least thirty percent (30%) of those entitled to vote shall cast their ballots, shall be effective from the date of ratification.  
*May 5, 1989*

Shop for Bargains  
at  
FireLake Discount Foods!!

CONSTITUTION

OF THE

CITIZEN POTAWATOMI NATION

PREAMBLE

We, the Citizen Potawatomi Nation, sometimes designated as the Potawatomi Tribe of Oklahoma, in furtherance of our inherent powers of self-government, in order to take advantage of the opportunities for economic independence and social advancement offered by the Thomas-Rogers Oklahoma Indian Welfare Act of June 26, 1936, (49 Stat. 1976), do hereby adopt this Constitution pursuant to the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967) which shall supersede the constitution approved by the Secretary of the Interior on October 17, 1938, and ratified on December 12, 1938, and amended on September 27, 1956, December 27, 1960, April 24, 1961, September 21, 1970, April 20, 1983, and April 8, 1996, with ratification.

ARTICLE 1 - NAME

The official name of this Tribe shall be the Citizen Potawatomi Nation.

ARTICLE 2 - OBJECTIVES

**Section 1.** The objective of the Citizen Potawatomi Nation in organizing under this Constitution shall be:

(a) To promote the general welfare of the Citizen Potawatomi Nation and its members by exercising to the fullest extent the inherent powers of self-government vested in the Tribe since time immemorial and any additional powers of self-government vested in the Tribe by Federal or state law.

(b) To secure for the Tribe and its members the powers, benefits, rights, and privileges provided for in Article 1, Section 8 of the Constitution of the United States, the Act of June 18, 1934 (48 Stat. 984) and the Oklahoma Indian Welfare Act of June 26, 1936, (49 Stat. 1967).

(c) To secure the powers, benefits, rights, and privileges as provided by any laws of the United States now or hereafter enacted for the benefit of Indians or other citizens of the United States.

(d) To secure, for the Citizen Potawatomi Nation, a Charter of Incorporation from the Secretary of the Interior that allows the tribe to enjoy, those powers specifically mentioned in the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967).

ARTICLE 3 - MEMBERSHIP OF TRIBE

**Section 1.** The membership of the Citizen Potawatomi Nation shall consist of the following persons:

(a) All persons of Indian blood who were bona fide members of the Citizen Potawatomi Nation and who were enrolled or were entitled to be enrolled on the official census roll of the Band on January 1, 1937.

(b) Each child of Citizen Potawatomi Nation Indian blood born since the date of said roll whose parents is, or was, a member of the Tribe.

(c) Each child of the Citizen Potawatomi Nation Indian blood of a marriage between a member of the Tribe and any other person.

(d) As used in this Article, the term "a member of the Tribe" means a member of the Tribe at the time of the child's birth, or, in the case of a posthumous child, if membership rights are claimed through the deceased parent, the parent was a member of the Tribe at the time of death.

(e) The burden of proof as to eligibility for membership in the Citizen Potawatomi Nation will be on the claimant for membership in each case.

(f) The Business Committee shall have power to prescribe rules and regulations covering future membership including adoptions and the loss of membership, subject to confirmation by a majority of the votes cast for a General Council referendum containing such rules and regulations in a regular or special election.

(g) No member of the Citizen Potawatomi Nation may hold membership in any other Indian tribe.

#### ARTICLE 4 - TRIBAL JURISDICTION

**Section 1.** The jurisdiction and governmental powers of the Citizen Potawatomi Nation shall, consistent with applicable Federal law, extend to all persons and to all real and personal property, including lands and natural resources, and to all waters and air space within the Indian country, as defined in 18 U.S.C. section 1151 or its successor, over which the Citizen Potawatomi Nation has authority.

**Section 2.** The jurisdiction and governmental powers of the Citizen Potawatomi Nation shall also, consistent with applicable Federal law, extend outside the exterior boundaries of the Citizen Potawatomi Nation to all tribal members. These powers shall also extend to any persons or property which are, or as may hereafter be, included with the jurisdiction of the Citizen Potawatomi Nation under any laws of the Citizen Potawatomi Nation, any State, or the United States.

**Section 3.** The jurisdiction and governmental powers of the Citizen Potawatomi Nation shall be exercised by three separate branches of Tribal Government: Legislative, Executive Officers and Judicial. All legislative powers are embodied in the Tribal Legislature (also called the Business Committee), including appropriation of all tribal moneys. All executive powers are embodied in the Executive, including the management of the business of the Tribe, supervision of tribal employees, enforcement of tribal law, and expenditure of all tribal moneys. All judicial powers are embodied in the Judiciary. Appropriate legislation shall be adopted to provide for a tribal law enforcement agency and other appropriate administrative agencies of the Tribe.

#### ARTICLE 5 - Citizen Potawatomi Nation Indian Council

**Section 1.** There shall be a Citizen Potawatomi Nation Indian Council (Council). The membership of the Citizen Potawatomi Nation Indian Council shall be all Citizen Potawatomi Nation Indians, 18 years of age or older who have not been adjudged incompetent by a court of competent jurisdiction.

**Section 2.** The Business Committee shall provide for the Citizen Potawatomi Nation Indian Council rules of procedure, subject to this Constitution, by appropriate legislation, and the Citizen Potawatomi Nation Indian Council shall exercise such authority and powers as are delegated to it by this Constitution.

**Section 3.** There is reserved to the Citizen Potawatomi Nation Indian Council the authority to approve all actions of the Business Committee, or to delegate specific authority to the Business Committee to take particular actions, prior to any such action of the Business Committee becoming effective, which results in:

(a) the appropriation and budgeting of moneys of the Council held in trust by the Tribe as the proceeds of any claim against the United States, including interest earned thereon for expenditure for the benefit of the tribe;

(b) the sale of any land or interest in lands, and in connection with the purchase of lands or interest in lands, to authorize and cause to be executed a mortgage or encumbrance covering or extending to property not being purchased.

(c) approval of any settlement of treaty claim of the Citizen Potawatomi Nation against the United States.

#### ARTICLE 6 - EXECUTIVE OFFICERS

**Section 1.** The Executive Officers of the Tribe shall be the Chairman, Vice-Chairman, and a

Secretary/Treasurer who shall serve for four year terms of office and until their successor shall be qualified and installed in office.

**Section 2.** It shall be the duty of the Chairman to preside at all meetings of the Council and the Business Committee and perform all duties appertaining to the office, and the Chairman shall see that the laws of the Tribe are faithfully enforced. The Chairman shall have general supervision of the affairs of the Council and of the Business Committee. The Chairman may veto acts of the Business Committee, which can be overridden by a 10 vote majority of the Business Committee, exclusive of the Chairman, within thirty (30) days.

**Section 3.** The Vice-Chairman shall perform the duties of the Chairman in his absence or during his incapacity to act as defined by law, and shall undertake such other duties as may be assigned to him by the Chairman or by law.

**Section 4.** The Secretary/Treasurer shall correctly record the proceedings of all meetings. He shall have custody of the records and all papers of the Council, which records and papers shall be open to inspection during business hours, in his presence, by any member of the Council desiring to read them. He shall keep a correct list of all members of the Council and a correct list of all enrolled members of the Tribe, shall authenticate all accounts or orders of the Council and in the absence of the Chairman and Vice-Chairman, shall call the meetings to order until a Chairman pro tem is selected. He shall render a written report at the annual meeting, and at the expiration of his term of office, the records and all papers in his possession shall be turned over to his successor. He shall issue notices of all meetings and conduct all general correspondence, as directed by the Council or the Business Committee.

The Secretary/Treasurer shall verify all moneys of the Council for an accurate account of receipts and disbursements. The Secretary/Treasurer shall verify all Council moneys entrusted to his care in one or more tribal accounts as may be provided by legislation of the Business Committee, and shall endorse all disbursements therefrom. The Secretary/Treasurer shall require an annual audit by a competent independent Certified Public Accountant of all moneys of the Council - moneys formerly held in trust by the Bureau of Indian Affairs and subsequent appreciation - which shall be submitted to the General Council annually.

#### ARTICLE 7 - BUSINESS COMMITTEE

**Section 1.** There shall be a Business Committee, hereinafter called Tribal Legislature, which shall consist of the Executive Officers as provided in Article 6, five (5) Legislators elected from Oklahoma, and eight (8) Legislators elected from Legislative Districts equally apportioned, within 30%, by population in the remaining States of the United States. Legislators shall serve four (4) year terms of office and until their successors shall be qualified and installed in office.

**Section 2.** Subject to any limitations in this Constitution, and except for those powers expressly reserved to the Citizen Potawatomi Nation Indian Council by this Constitution, or delegated to another tribal entity by this Constitution, the Legislature is empowered to enact legislation, transact business, and otherwise speak or act on behalf of the Citizen Potawatomi Nation in all matters on which the Tribe is empowered to act now or in the future including the authority to hire legal counsel to represent the Tribe, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior so long as such approval is required by Federal law.

#### ARTICLE 8 - RECALL

**Section 1.** The Legislature shall enact a law entitled: The Recall and Removal Act. This legislation shall establish the procedures to be followed in consideration of recall actions. Said Recall and Removal Act shall contain the definitions of misconduct in office which shall subject a tribal officer to a Recall Election. Thereafter, this Act may be amended or repealed only by the Citizen Potawatomi Nation Indian Council at an election conducted pursuant to Articles 9 and 12 of this Constitution. Such Act shall provide that not more than two recall proceedings may be pending in the Tribal Court at any time. A recall proceeding shall not include more than one official, unless the Court consolidates two or more actions for a good cause shown. The Recall and Removal Act shall include the following:

(a) The Court, pursuant to the rules or civil procedure, shall hear complaints brought by a person alleging misconduct in office by members of the Legislature or Judicial Officers of the Tribe. The Court shall require, prior to hearing any such action, that the complaining party post a bond in such amount as the Court shall deem proper to guarantee the costs, dam-

ages, and attorney fees of the person complained of in the event that the recall action was filed without probable cause to believe misconduct in office had occurred or that the recall action was otherwise filed in bad faith.

(b) In any such recall action, the Court shall have power, to hear the evidence of the complaining party or parties and to determine whether the act or acts of misconduct in office have been shown by clear and convincing evidence so that a recall election should be held. If the Court determines that a Recall Election should be held, a two-thirds (2/3) majority of those voting in an election held pursuant to Article 12, Section 9, shall be necessary to recall the officer from his office. Any appeal taken of the judgment of the Trial Court ordering a recall election shall be expedited by the Supreme Court.

**Section 2.** No person may be recalled pursuant to this Article unless at least 5% of the members of the Citizen Potawatomi Nation Council cast ballots in the Recall Election.

## ARTICLE 9 - REMOVAL AND FORFEITURE

**Section 1.** The Legislature, and the Supreme Court in the case of any judicial officers, shall remove any of its members, or a member of the Executive branch, from office for misconduct in office, as defined in the Recall and Removal Act, or upon conviction of such member by any Court of competent jurisdiction of a felony or other offense involving dishonesty or moral turpitude, or if such member becomes ineligible to hold his office under this constitution, by a unanimous vote of the remaining members of that body.

**Section 2.** Such removal action shall be taken only upon proof by clear and convincing evidence at a formal hearing during which a verbatim transcript and record of the proceeding is made, and at which the party complained of shall have the right to not less than thirty (30) days notice, the right to counsel at his own expense, the opportunity to cross examine witnesses against him, introduce any evidence in his favor, and to otherwise be accorded due process of law.

**Section 3.** A person removed in such a proceeding shall have the right to appeal the removal directly to the Supreme Court upon the record established at the hearing. During such appeal, which shall be expedited by the Court, the officer shall be deemed suspended but not removed from office until a final decision of the Court. For purposes of this Article, removal of an Executive Officer from the Legislature shall also be deemed a removal from his Executive Office whether or not specifically stated in the removal action.

## ARTICLE 10 - INITIATIVE AND REFERENDUM

**Section 1.** The members of the Citizen Potawatomi Nation shall have the authority to enact legislation, consistent with this Constitution's delegation of specific powers, by petition to the Legislature bearing the language of the proposed tribal law, the signatures, roll numbers, and current address of at least ten percent (10%) of the Citizen Potawatomi Nation Indian Council, provided, that in the general election upon such proposed legislation which shall be called by the Legislature within ninety (90) days of the receipt of a valid petition, a majority of the voters who cast ballots in such election vote in favor of the proposed legislation. Notice of such referendum election shall be given to the registered voters at least fifteen (15) days prior to such election. The Legislature shall be bound by a vote enacting such proposed legislation into law from the date of the election at which such legislation was enacted until it expires by its own terms or until changed by voters at a subsequent election.

**Section 2.** The members of the Citizen Potawatomi Nation shall have the authority to reject any legislation action taken by the Legislature by referendum petition to the Legislature bearing the language of the tribal law sought to be rejected, the signatures, roll numbers, and current address of at least ten percent (10%) of the Citizen Potawatomi Nation Indian Council, provided, that in the general election upon such legislation, which shall be called by the Legislature within ninety (90) days of the receipt of a valid petition, a majority of the voters who casts ballots in such election vote against the legislation as enacted by the Legislature. Notice of such initiative election shall be given to the registered voters at least fifteen (15) days prior to such election. If the legislation is rejected by such vote, that enactment is null and void as of the date of referendum.

## ARTICLE 11 - COURT

**Section 1.** The judicial power of the Citizen Potawatomi Nation is hereby vested in one Supreme Court consisting of seven (7) Justices and such inferior courts as may be established by Tribal law.

**Section 2.** The Courts of the Citizen Potawatomi Nation shall be courts of general jurisdiction and shall further have jurisdiction in all cases arising under the constitution, laws, and treaties of the Citizen Potawatomi Nation. The Supreme Court shall have original jurisdiction in such cases as may be provided by law, and shall have appellate jurisdiction in all cases.

**Section 3.** The Tribal Courts, in any action brought before them, shall have the power of judicial review, in appropriate cases, in order to declare that legislative enactments of the Legislature or the Council, are unconstitutional under this Constitution or prohibited by Federal statutes and void. In such cases, the Court shall have the authority to declare such act void and to issue injunctive relief. In cases initiated by the Tribal Chairman prior to enforcement of a legislative act, the court shall rule presuming a case in controversy.

**Section 4.** The Supreme Court Justices and Tribal Court Judges shall be selected by the Legislature and confirmed by the Citizen Potawatomi Nation Indian Council at a general election called for that purpose, and shall serve six (6) year terms and until their successor be duly confirmed and installed. At the expiration of such term, each Justice or Judge may, at his option, be considered for reconfirmation to a new term by the Council.

**Section 5.** Vacancies in Tribal Judicial Offices may be filled by appointment of the Legislature for the remainder of the unexpired term. Such appointment shall be valid for not more than one hundred twenty (120) days unless the Citizen Potawatomi Nation Indian Council confirms the appointee to complete the remainder of the unexpired term. If no Citizen Potawatomi Nation Indian Council election is called to act upon such appointment within the one hundred twenty (120) day period, the appointment of that person shall not be renewed.

## ARTICLE 12 - ELECTIONS

**Section 1.** The Chairman, Vice Chairman and Secretary/Treasurer shall be elected to a four (4) year term of office and until their successors be qualified and installed in office by a majority vote at an election to be conducted by secret ballot, with absentee voting, on the date of the annual Citizen Potawatomi Nation Indian Council meeting. All elections shall be conducted pursuant to an Election Ordinance adopted by the appropriate legislation of the Citizen Potawatomi Nation Legislature. At the time of their election they shall be not less than thirty-five (35) years of age, and residents of the State of Oklahoma not less than six (6) months prior to taking office, and not have been convicted of a felony or other serious crime involving incarceration for moral turpitude in any court of competent jurisdiction, or have been incarcerated for a crime for more than six (6) months within ten (10) years previous to the date of the election, unless pardoned.

**Section 2.** No person shall be allowed to run for, or hold, more than one (1) elected tribal position at any one time.

**Section 3.** The Legislature serving at the time of this Amendment shall adopt legislation within ten (10) days of adoption of this Amendment describing eight (8) Legislative Districts of equal proportion, within 30%, of members of the Citizen Potawatomi Nation Indian Council living outside of Oklahoma. They shall be numbered one (1) through eight (8) for those Legislative Districts outside of the State of Oklahoma and nine (9) through thirteen (13) for those Legislators within the State of Oklahoma.

**Section 4.** In order to provide for staggered terms of office, in a special election held within 120 days of the adoption of this Amendment in which thirteen (13) Legislators will be elected, one (1) Legislator's first term shall coincide respectively with the term of office of the former Councilman #1 and both of whom shall, at the time of their election and thereafter, be residents of the State of Oklahoma. Two (2) Legislators' first term shall coincide respectively with the terms of office of the former Councilman #2 and all three of whom shall, at the time of their election and thereafter, be residents of the State of Oklahoma. Four (4) Legislators' first term of office shall coincide with the term of office of the Tribal Chairman and all four (4) Legislators shall, at the time of their election and thereafter, not be residents of the State of Oklahoma. Four (4) Legislators' first term of office shall coincide with the terms of office of the Vice Chairman and the Secretary/Treasurer, and all four (4) Legislators shall, at the time of their election and thereafter, not be residents of the State of Oklahoma. Business Committee members in office at the time of this Amendment will serve out their terms of office and may stand for reelection at the next regular election.

**Section 5.** Legislators whose first term of office expires at the same time as the Tribal Chairman shall reside, one each, in Legislative Districts 1,2,3 and 4. Legislators whose first

term of office shall expire at the same time as the term of office as the Tribal Vice Chairman and Secretary/Treasurer shall reside, one each, in Legislative Districts 5,6,7 and 8. Legislators who live in Oklahoma shall live be Legislators 9, 10, 11, 12 and 13.

**Section 6.** Apportionment of the Legislative Districts and any boundary changes necessary to reflect reapportionment shall occur every ten (10) years, after the initial apportionment and boundary descriptions set by appropriate legislation of the Legislature serving at the time of the adoption of this Amendment.

**Section 7.** The newly elected officers shall be installed immediately upon their election or at such time as may be provided in the Election Ordinance approved by the Council, or as soon thereafter as any period provided by law for a challenge to the election has expired or as soon thereafter as any dispute regarding the election be finally resolved as provided by law.

**Section 8.** The incumbent officers as of the date of adoption of this Constitution shall continue to serve until the normal expiration of their terms as provided for in Section 3 of this Article, and the election held upon expiration of those terms shall be the first regular election held pursuant to this Constitution.

**Section 9.** Special elections for the Recall of Tribal Officials shall be conducted on order of the court by an independent Election Board to be established pursuant to a Recall Election Ordinance prescribed by the Legislature and concurred on by the Council, provided that at least 5% of the members of the Citizen Potawatomi Nation Indian Council, must vote in order for the Recall Election to be valid. Other special elections shall be conducted by the Election Board as required in Article 9 or Article 12, or upon request by resolution of the Legislature.

### ARTICLE 13 - MEETINGS OF THE COUNCIL

**Section 1.** Annual meetings of the Citizen Potawatomi Nation Indian Council shall be held on the last Saturday of June of each year for receiving reports and any other business which may come regularly before the Council. The purpose of the Citizen Potawatomi Nation Indian Council meetings shall be to give information and to discuss any matter pertaining to the Citizen Potawatomi Nation. Any actions taken with respect to the authority reserved to the Council by this Constitution shall be made only by a subsequent election held in accordance with, and within the time specified in the Election Ordinance, which election shall be open to all members of the Council.

**Section 2.** Such meeting shall be held at the Tribal Office Building designated for that purpose at the Citizen Potawatomi Nation Capital Complex south of Shawnee, Oklahoma, unless some other point under the jurisdiction of the Citizen Potawatomi Nation is specifically designated in the call.

**Section 3.** Special meetings of the council may be called at the discretion of the Chairman, and shall be called by him upon the written request of the majority of the Legislature or the written request of five percent (5%) of the members of the Council.

**Section 4.** The principal object of the special meeting must be stated in the call for same and may include the words "and for the discussion of other business that may be presented." Unless these words are added, no other business can be discussed except for the object stated in the call. Any actions taken with respect to the authority reserved to the Council by this Constitution shall be made only by a subsequent election held in accordance with, and within the time specified in, the election ordinance, which election shall be open to all members of the Council.

**Section 5.** Notice of meetings of the Citizen Potawatomi Nation Indian Council shall be given through all appropriate means by the Secretary/Treasurer of the Nation at least ten (10) days prior to the date of such meeting.

**Section 6.** The agenda for each meeting of the Citizen Potawatomi Nation Indian Council shall be compiled by the Tribal Chairman. Following completion of discussion on all agenda items other tribal business may be discussed, subject to the requirements of Section 4 of this Article.

**Section 7.** As required, following the meetings of the Citizen Potawatomi Nation Indian Council, the election board shall conduct an election pursuant to the election ordinance to decide the issues approved by the Council.

### ARTICLE 14 - MEETINGS OF THE LEGISLATURE

**Section 1.** The regular meetings of the Legislature shall be held the last Thursday in February, May, August, and November unless otherwise provided by resolution.

**Section 2.** Special meetings of the Legislature may be called by the Chairman at his discretion, and shall be called by him upon the written request of nine (9) members of the Legislature.

### ARTICLE 15 - VACANCIES

**Section 1.** The Chairman, subject to the approval of the majority of the remaining members of the Legislature, whether or not the number of remaining members would constitute a quorum shall have the authority to appoint persons to fill any vacancies in any elective office on an interim basis until the next regular election at which time a person shall be elected to serve the remainder of the unexpired term or for a new term in its regular order as the case may be.

**Section 2.** In case of vacancy in the office of Chairman, the Vice-Chairman shall succeed at once to the office of the Chairman until the next regular election at which the office of Chairman shall be filled for the remainder of the unexpired term or for a new term in its regular order as the case may be.

**Section 3.** During the period in which the Vice-Chairman serves as Chairman under these circumstances, the Vice-Chairman's office shall not be considered vacant and he/she shall return to serve the unexpired portion of his/her own term of office (if any) upon election and installation of a Chairman. Should the Vice-Chairman be elected, to the chairmanship, his vacancy shall be filled according to Article 12, Section 1.

### ARTICLE 16 - RIGHTS OF PERSONS

**Section 1.** The Citizen Potawatomi Nation shall not:

## Vote for Bobbie Bowden

Fellow Citizen Potawatomis,  
I have chosen to back Mrs. Bobbie Bowden for the Business Committee for a very simple reason: I believe she will serve you, her people, with honor and distinction.

I would also like for you to know that Bobbie Bowden has served as Vice President of Capitol Abstract & Title Company and Branch Manager of the Midwest City location for 11 years. She brings a powerful combination of experience and talent to her candidacy for the Business Committee.



For these and many other reasons, I ask that you support Mrs. Bobbie Bowden with your votes. - D. Wayne Trousdale, Secretary-Treasurer

## Vote Bobbie Bowden Citizen Potawatomi Nation Business Committee

Ad Paid for by Friends of Bobbie Bowden

(a) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceable to assemble or to petition for a redress of grievances.

(b) Violate the rights of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to the searched and the person or thing to be seized.

(c) Subject any person for the same offense to be twice put in jeopardy.

(d) Compel any person in any criminal case to be a witness against himself.

(e) Take any private property for a public use without just compensation.

(f) Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense.

(g) Require excessive bail, impose excessive fines, or inflict cruel and unusual punishment.

(h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law.

(i) Pass any bill of attainder or ex post facto law.

(j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

## ARTICLE 17 - QUORUM

**Section 1.** Nine (9) members of the Legislature shall constitute a quorum at any meeting.

**Section 2.** Five percent (5%) of the members of the Citizen Potawatomi Nation Indian Council shall constitute a quorum to transact business at a meeting. Should a quorum not be achieved at a duly-called meeting of the Council, the Legislature may initiate a referendum election on any agenda items which require action by the Council under the authority reserved to it by this constitution. Such referendum election shall be conducted pursuant to the provisions of the election ordinance.

## ARTICLE 18 - TRIBAL ENACTMENTS

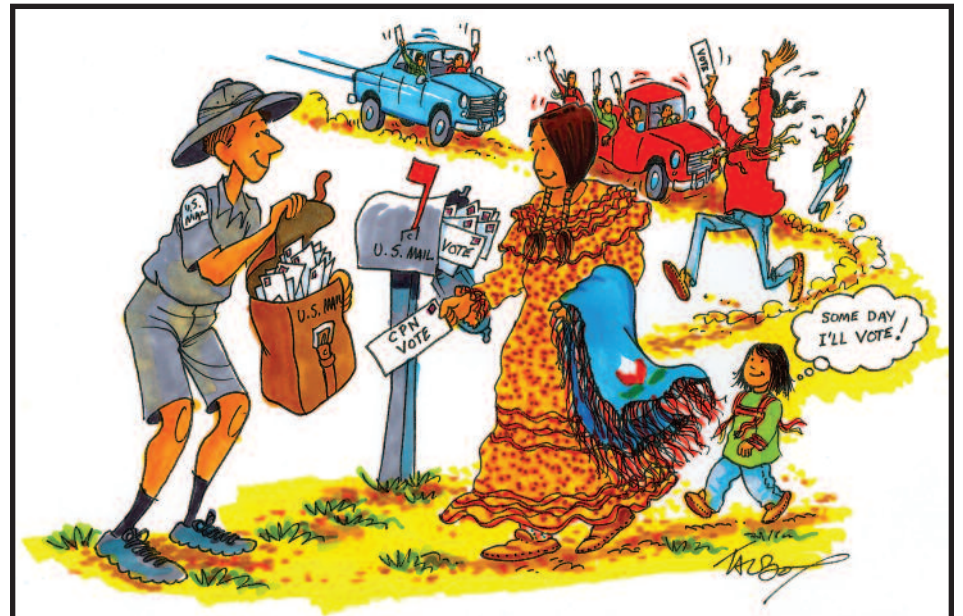
**Section 1.** All final decisions of the Council on constitutionally delegated matters shall be embodied in resolutions approved by a referendum election to be held within ninety (90) days. Every resolution of the Council shall begin with the words, "Now, therefore be it resolved by the Council of the Citizen Potawatomi Nation". (Added)

**Section 2.** All final decisions of the Legislature on matters of temporary interest or matters relating to particular circumstances, officials, or individuals shall be embodied in resolutions. Every resolution of the Legislature shall begin with the words, "Now, therefore be it resolved by the Legislature of the Citizen Potawatomi Nation".

**Section 3.** All final decisions of the Council of the Citizen Potawatomi Nation upon ongoing matters necessary to the orderly administration of its delegated powers and authority shall be embodied in ordinances, which may be called statutes, approved by a referendum election held within ninety (90) days. Every ordinance shall begin with the words, "Be it enacted by the Council of the Citizen Potawatomi Nation".

**Section 4.** All final decisions of the Legislature of the Citizen Potawatomi Nation upon ongoing matters necessary to the orderly administration of tribal affairs, or having general or continuing application shall be embodied in ordinances, which may be called statutes. Every ordinance shall begin with the words, "Be it enacted by the Legislature of the Citizen Potawatomi Nation".

## ARTICLE 19 - AMENDMENTS



*CPN members who registered to vote in the Secretarial Election on the Nation's proposed constitutional revision must mail their voted ballots early enough to have them arrive in the Election Committee's mailbox no later than August 16, 2007. (The drawings featured in this edition of the HowNiKan are the work of Daryl Talbot, a talented cartoonist who is the husband of CPN member Theresa Talbot.)*

Amendments of this Constitution may be proposed by a unanimous vote of the Legislature or by a petition signed by thirty percent (30%) of the members of the Tribal Council, shall be submitted to a referendum vote of the members of the Tribe, and shall be effective if ratified by a 2/3 majority vote of those registering and voting in an election called for that purpose under the supervision of the Election Committee.

## ARTICLE 20 - SAVINGS CLAUSE

Any previous ordinances or resolutions enacted by the Tribe shall continue in full force and effect to the extent they are not in conflict with this Constitution unless revoked or amended in the future.

## ARTICLE 21 - RATIFICATION

This Constitution, when ratified by a majority vote of the qualified voters of the Citizen Potawatomi Nation voting at an election called for that purpose, in which at least thirty percent (30%) of those entitled to vote shall cast their ballots, shall be effective from the date of ratification.

## Vice Chairman's Column

I appreciate how you and your families responded to the 2007 Family Reunion Festival. We have received a lot of praise for the success of the Festival despite the inclement weather. Your patience, attitude, and smiles were most welcome after the hectic week prior to the festival.

Many of you traveled to Shawnee for the first time, which is always exciting for your elected officials. Many who had not visited the Nation's Headquarters for years expressed their surprise at the progress. Others, who were here for the first time, expressed great pleasure with their Nation. I thank you for your input in words, e-mails, cards, and telephone calls.

Please take the time to vote in the upcoming

*Con't on page 11*



## CPN voters to decide run-off for Business Committee seat



**Bobbie Bowden (left) led the three-candidate field in the Business Committee election and will face incumbent Jimmy Snow in a run-off.**

For the first time in the tribe's electoral history, the Citizen Potawatomi Nation needs a run-off to decide an election. Incumbent Business Committee member Jimmy Snow of Lexington and businesswoman Bobbie Bowden of Choctaw led a three-person field in the election.

Bowden led the cumulative voting for the four-year term with 544 votes, 121 in in-person balloting and 423 from absentee ballots. That's 42.57 percent of the votes.

Snow, of Lexington, Oklahoma, was second with 324 absentee votes and 84 "live" votes for a total of 408. He had 31.92 percent of the votes.

Kristie Hall, who relinquished her CPN Grievance Committee post for a shot at the Business Committee seat, trailed her opponents with 326 votes. The Edmond, Oklahoma resident tallied 285 absentee votes and 41 among the walk-in votes for 326 altogether. Her votes were 25.51 percent of all those cast in the race.



The results are final and official.

The run-off election will be conducted using both absentee and in-person balloting, as was the General Election. The CPN polling place in the Tribal Courtroom at 1601 S. Gordon Cooper Dr., Shawnee, will be open from 7 a.m. until 2 p.m. on Saturday, August 25, 2007.

All tribal members who will be 18-and-older by August 25 will receive a form with which they can request a ballot. Requests to receive an absentee ballot must be postmarked not less than twenty (20) days prior to the election. In this instance, that will be August 5, 2007.

Voters must mail back voted ballots early enough so they arrive in the CPN Election Committee's Tecumseh, Oklahoma post office box by 10:00 a.m. on election day, Saturday, August 25.

In the only other race on the 2007 ballot, David Barrett, a Shawnee business owner, defeated Marian Keef, an attorney from

Oklahoma City, for a Grievance Committee position. The final vote totals were 809 for Barrett and 478 for Keef.

Two Grievance Committee members were elected without opposition - incumbent Tanya Peltier and tribal politics newcomer Joe Miller.

CPN voters overwhelmingly approved a budget for spending earnings from their trust fund set-aside. The final vote was 1110 "yes" to 163 "no".

By a count of 931 to 343, the voters approved an amendment to the Grievance process.

If tribal members approve a major CPN constitution revision proposal, whose fate will be known on August 16, the Grievance Committee process for handling complaints of malfeasance lodged against elected officials will be abolished.



**Tanya Peltier was re-elected to the Grievance Committee without opposition.**



**Grievance Committee members David Barrett (top) and Joe Miller are sworn in on Saturday, June 30 by CPN District Court Presiding Judge Phil Lujan and Court Clerk Vicki Loftin.**

### **Vice Chairman's Column, con't. from page 10**

ing elections. Since the vote in the primary election was less than 9 percent, it should be a "wake-up" call for us to get out the vote. I have already contacted my family to make sure they remember to vote. It is our duty and our privilege.

The church service in the old Shawnee Mission Chapel near the Citizen Potawatomi Nation's clinic was such a blessing this year at the Festival. What beautiful messages we enjoyed about family, attitude, and love! One of the main topics was a message regarding an "attitude of gratitude." It is a lesson that many of the attendees needed and appreciated.

The chapel has a new face-lift with its beautiful pine interior, refurbished pews, a new floor, and wooden blinds. More and more of our tribal members are utilizing the chapel for weddings and other ceremonial events. Make sure you visit the chapel when you come to the Nation's headquarters in the future.

May the rest of your summer be a great one! I hope to see you or hear from you soon.

Faithfully, Linda Capps, Vice Chairman

## Vote for Bobbie Bowden



**As the other Members of the Business Committee, we realize that our unanimous decision to support a candidate other than the incumbent must made only be if it is absolutely necessary. We sincerely believe it is.**

**We are choosing in this ad to speak about the positive. That positive is Mrs. Bobbie Bowden's future service to the Citizen Potawatomi Nation. It is a future full of promise.**

**Bobbie Bowden is, by far, the most qualified candidate. She is an experienced, educated businesswoman, chosen for top management by a large successful company. She has many years of experience in banking, real estate transactions, understanding legal documents, and managing personnel. All of this experience is valuable to all of the members of the Business Committee. - Chairman John Barrett, Vice Chairman Linda Capps, Secretary-Treasurer D. Wayne Trousdale, and Committeeman Paul Schmidtkofer**

**Vote Bobbie Bowden - Citizen Potawatomi Nation Business Committee**

Ad Paid for by Friends of Bobbie Bowden

# Potawatomi Cornerstone: A History of our Constitution

by Charles Clark, Tribal Rolls Director

The Indian Reorganization Act of 1934, known as the Wheeler-Howard Act, provided a means under Section 16 for Indian tribes to return to a system of self-governance. With this in hand, the United States Government extended to the Indians the right to create and establish their own constitutions, bearing a resemblance to the United States Constitution.

In 1936, The Oklahoma Indian Welfare Act, known as the Thomas-Rogers Act, extended this right to Indian Tribes residing in Oklahoma. Under Section 3, the Act gave each federally recognized Tribe or Band in Oklahoma, with the exception to those living in Osage County, the "...right to organize for its common welfare and to adopt a constitution and bylaws, under such rules and regulations as the Secretary of the Interior may prescribe..."

Once a tribe's constitution and bylaws were approved by the Secretary of the Interior, a special election would then be conducted under the supervision of the Secretary. Eligible voters within each reservation or prescribed area as designated by the Secretary would vote to either pass the measure or not by majority vote.

However, there was a second hurdle for approval of these tribal constitutions. The Interior Department required that, for a Tribe's or Band's constitution to become effective, 30 percent of those who registered to vote had to actually cast a ballot. If the election participation percentage was less than 30 percent, the proposed constitution failed. Additional amendments and bylaws faced the same approval process.

When a Tribe's or Band's members approved their constitution, the Secretary of Interior, under his discretionary powers, issued a charter of incorporation to the Tribe. The ratification of the charter fell under the same guidelines as the constitutional election.

If approved, the newly incorporated Tribe or Band was endowed with the same rights and privileges that were included in the 1934 Indian Reorganization Act, as well. These included the right to participate in a revolving credit fund, provided that the monies in the fund were deposited in a federal bank within the state of Oklahoma or "...otherwise invested, utilized, or disbursed in accordance with the terms of the corporate charter..." as stated in Section 3 of the Thomas - Rogers Act.



On October 17, 1938, the Citizen Band of Potawatomi Indians Constitution and Bylaws was approved for an election by Acting Secretary of the Interior Harry Slattery. It was approved by tribal members on December 12, 1938, with a vote of 351 for and 2 against.

This initial Citizen Band of Potawatomi Indians constitution included 11 articles within the constitution itself and five articles within the by-laws. The Business Committee at the time was Louis J. Brant, Chairman; Alice Wardchow, Secretary; and O. D. Lewis, Business Committee member.

The new constitution set forth requirements for eligibility for tribal membership, membership of the council, and the number officers. These included a Chairman, Vice-Chairman, Secretary-Treasurer, and two Councilmen, serving for two years or

until their successors were elected and installed.

It also established the Grievance Committee and its responsibilities and duties. Article VI set the time for the General Council meeting and regular Business Committee Meetings. Article VII established eligibility and filing requirements for candidates, and set the date to conduct tribal elections.

The by-laws included the duties of officers, their qualifications, place of meetings and requirements for a quorum. During this time, meetings were held at the Shawnee Indian Agency. The quorum requirement was for at least 50 members of the Council and four members of the Business Committee to be in attendance to transact tribal business.

The constitution would undergo several modifications over the next 60 years. The

first revision was approved for a tribal election on September 27, 1956 by Felix E. Wormser, Assistant Secretary of the Interior.

Article 8 of the constitution, concerning when vacancies in elected offices were to be filled, was amended from "...special or regular meetings of the Council." to "...special or regular meetings of the Business Committee." Additionally, Article 4, Section 2, of the Bylaws was amended to change the minimum requirement for a quorum. It was reduced from four members of the Business Committee to three.

The election for the constitutional change took place on October 27, 1956, with 187 tribal members voting for it and 0 voting against it.

The next election was held on June 29, 1960 when Article III was amended either to clarify or complete the interpretation of the Article. Article III - Membership of the Council originally read, "The supreme governing body of the Tribe shall be the Council of the Citizen Band of Potawatomi Indians. The membership of the Council shall be all the members of the Citizen Band of Potawatomi Indians residing in Oklahoma, 21 years of age and older."

The Article was amended to read, "The supreme governing body of the Tribe shall be the Council of the Citizen Band of Potawatomi Indians of Oklahoma. The membership of the Council shall be all members of the Citizen Band of Potawatomi Indians of Oklahoma [*residing in Oklahoma - omitted*], 21 years of age and older." The change was adopted by a vote of 95 for and 6 against, and approved by the Secretary on December 27, 1960.

That next year, Article 2, concerning Membership of the Tribe was significantly extended to define membership eligibility and conditions. The original constitution stated that those listed on the official 1937 census or entitled to be enrolled and their children were the only ones eligible for membership.

A third generation was now growing out of this, and if the Tribe was to keep its numbers strong, it would have to adopt a new process to guarantee its future survival. The solution would be found in Sections 1(c) (d).

See POTAWATOMI CORNERSTONE on page 16

## RE-ELECT JIM SNOW FOR BUSINESS COMMITTEE

I'd like to take this opportunity to express my gratitude for your support during my term as Business Committee Member. Your faith in my abilities has been a driving factor in the decisions I have made to attend to the needs of our community and nation. I also wish to send a big Thank You to Kristie Hall for her support of my campaign.

I am descended from the following Potawatomi families: Chevalier, Morin, Bourbonnais, Trombla, Spear, Sanders, and Snow. I am also related to the Vieux, Anderson, Wilmet, Frapp, LeClair, and Smith families. I was born and raised in the Citizen Potawatomi Tribe. My family has resided in the territory since the move from Kansas in the 1800s. We have maintained a political interest in our Nation for generations, thus ensuring the Citizen Potawatomi Nation, our children and our elders will have a future.

My political views are: As a council member, you have chosen me because I have the ability to think independently and make decisions based on the needs of our tribal members. While I have not always agreed with every decision presented by the Business Committee as a whole, I have always and will continue to consider the needs of the Citizen Potawatomi Nation Members and our Tribe when casting my vote.

Our government was established to be open and transparent to each member of the Citizen Potawatomi Nation Indian Council. The Citizen Potawatomi Nation Indian Council as the primary ruling body of the Nation has the right to this transparency and I will continue to make this issue a priority. The recent addition of financial statements via the internet, is but one step in this process.

Establishing a budget that provides services to all members, no matter the locale, is another priority I intend to continue pursuing. I have heard from tribal members across the nation of the difficulties in obtaining vital services, both on and off our tribal lands. Because of this need, I feel the following issues are critical.

1. The addition of staff at our local medical and dental facilities,
2. Ensuring resources are available in the districts with contacts through our regional representatives including satellite offices for tribal benefits assistance,
3. Participation of individual members in the political process, and
4. Internet access to all Business Committee meetings for all tribal citizens

As a tribe of 27,000 strong, we have many great leaders and teachers in our nation throughout the United States and Overseas. We have a bright future ahead of us. We need to ensure that future with change in our government.

I would be honored to continue to serve as your representative and ensure the needed changes continue for our Nation.

I ask for your continued support in the upcoming run-off election.

Megwetch,

*Jim Snow*

Email: [jimsnow@wildblue.net](mailto:jimsnow@wildblue.net)



## RE-ELECT JIM SNOW FOR BUSINESS COMMITTEE

*Political ad paid for by Jim Snow*

CONSTITUTIONAL VOTE, con't from page 1

in what is known as a “Secretarial election,” CPN members must have registered by July 16. A five-member Election board, comprised of a representative of the BIA and four members appointed by the Nation, will oversee the election.

This Election Board mailed registration packets in June. Those packets contained the text of the proposed amendment. They went to all CPN members who will be at least 18 years old no later than August 16, 2007, the closing date for voting. Voted absentee ballots must be received by 10:00 a.m. Central Time on August 16, 2007.

To be eligible to vote in the Secretarial Election, members must have returned the voter registration form to the Secretarial Election Board no later than 4:00 p.m. Central Time on July 16, 2007.

Suzanne Chaney, Election Board Chairman, says, “Immediately after the ballots are counted on August 16, 2007, the results of the election will be posted at the Southern Plains Regional Office in Anadarko, Oklahoma and the Citizen Potawatomi Nation Headquarters, 1601 South Gordon Cooper Drive, Shawnee, Oklahoma.

Any eligible voter may challenge the election within three days following posting of the results. The challenge must be in writing, filed with the Secretary of the Interior through the Secretarial Election Board Chairperson, and must give the grounds for the challenge **with substantiating evidence**. If, in the opinion of the Secretary, the objections are valid and warrant a recount or new election, the Secretary shall so order. The results of the recount or new election shall be final. Any contest must be filed by 5:00 p.m. Central Time on August 20, 2007 at: Bureau of Indian Affairs, Southern Plains Regional Office, Attn: Tribal Government Services, 100 Riverside Drive (physical address), P.O. Box 368 (mailing address), Anadarko, OK 73005.

The constitutional amendment must surpass two hurdles to gain approval. First, 50 percent plus one of those voting must cast affirmative votes. Second, at least 30 percent of those who register must cast a vote. For example, if 1,000 members register, 299 vote, and all 299 of those voters vote yes, the measure would fail because less than 30 percent of those who registered would have voted.

However, that seems an unlikely scenario. CPN members who registered in recent constitutional amendment elections tended to follow through by voting. In 1996, 62.7 percent of the 3962 tribal members who registered to vote on Amendment A, to change the name of the tribe, participated in the election. That same year, 63 percent of members who registered to vote on Amendment B, to open

Legislative Dist./Position	Represents/Elected By	Upcoming Elections	Current Officeholder
Chairman	All CPN Members	June 2009/June 2013/June 2017	John A. Barrett
Vice Chairman	All CPN Members	June 2010/June 2014/June 2018	Linda Capps
Secretary-Treasurer	All CPN Members	June 2010/June 2014/June 2018	D. Wayne Trousdale
Business Committee #1	All CPN Members/Okla. Members	June 2008/June 2012/June 2016	Paul Schmidtkofer
Business Committee #2	All CPN Members/Okla. Members	June 2007/June 2011/June 2015	Jimmy Snow
Legislative District #1	Legislative Dist. #1 Residents	December 2007/June 2009/June 2013	N/A
Legislative District #2	Legislative Dist. #2 Residents	December 2007/June 2009/June 2013	N/A
Legislative District #3	Legislative Dist. #3 Residents	December 2007/June 2009/June 2013	N/A
Legislative District #4	Legislative Dist. #4 Residents	December 2007/June 2009/June 2013	N/A
Legislative District #5	Legislative Dist. #5 Residents	December 2007/June 2010/June 2014	N/A
Legislative District #6	Legislative Dist. #6 Residents	December 2007/June 2010/June 2014	N/A
Legislative District #7	Legislative Dist. #7 Residents	December 2007/June 2010/June 2014	N/A
Legislative District #8	Legislative Dist. #8 Residents	December 2007/June 2010/June 2014	N/A
Legislative District #9	Oklahoma Members Voting At-Large	December 2007/June 2008/June 2012	N/A
Legislative District #10	Oklahoma Members Voting At-Large	December 2007/June 2011/June 2015	N/A
Legislative District #11	Oklahoma Members Voting At-Large	December 2007/June 2011/June 2015	N/A

set-aside-based scholarships to more tribal members, actually cast a vote.

Going back to 1989, 68.6 percent of the 3231 members who registered to vote on increasing terms of Business Committee members from two to four years cast ballots in that election. And, in 1987, 98.5 percent of voters who registered actually voted. They defeated an amendment to increase terms of office for Business Committee members but approved an amendment to authorize the Vice Chairman to perform the Chairman’s duties in his absence or incapacity.

Article 7 of the proposed constitution creates the new legislature. It calls for five legislators from Oklahoma, who would join the Chairman, Vice Chairman, and Secretary-Treasurer as the Oklahoma delegation, and eight legislators from across the remaining 49 states. Legislators would serve four-year terms in office.

The plan is to propose a follow-on constitutional amendment within a few years to remove the Executive Officers (Chairman, Vice Chairman, and Secretary-Treasurer) from the legislature to complete transformation to a three-branch -executive, legislative, and judicial- tribal government.

Checks and balances have been built into the process through the ability of the Chairman to veto acts of the legislature, which the constitutional amendment also refers to as the Business Committee. The legislature could override a veto with ten yes votes.

The amendment gives the legislature the authority “to enact legislation, transact business, and otherwise speak or act on behalf of the Citizen Potawatomi Nation in all matters on which the Tribe is empowered to act now or in the future.”

The revision envisions the tribal membership’s participation in the legislative process through processes for initiative and referendum petitions. Through collecting signatures of 10 percent of the members of the Citizen Potawatomi Nation Indian Council -those

members 18 and older- members could propose tribal laws. Upon receipt of a petition that sets out the language of the proposed law and bears enough valid signatures, the legislature would have 90 days to schedule an election.

Approval would require yes votes from 50 percent plus one of the members voting in the election.

Similarly, Article 10 allows referendum petitions for rejecting laws enacted by the legislature. As in proposing a new law, rejecting one would require signatures of 10 percent of the Council members. A petition containing the required signatures would require the legislature to schedule an election within 90 days.

Upon approval of the constitutional revision, CPN officials would move quickly to implement it. Within 10 days after approval, the Business Committee would have had to create the eight legislative districts outside Oklahoma. Their populations would have to be apportioned within 30 percent. For example, if the smallest legislative district contains a CPN member population of 1,800, the largest could be no more than 540 members larger -a member population of 2,340.

The five elected officials in office at the time of adoption of the constitutional amendment would “serve out their terms of office.” If they chose, they could stand for re-election at the next regular election. Thus, enactment of the constitutional change would require elections for eight legislators from outside Oklahoma and three from within the state.

To provide for staggered terms of office for legislators, some of the initial terms will be less than the standard four years. One of the Oklahoma legislators’ first term would be coincidental with that of the existing Business Committeeman #1 term. That position is due to be on the ballot again in 2008; it is the position currently held by Paul Schmidtkofer. This legislator would stand for election again in 2008, for a term that would end in 2012.

Two new legislators’ terms would be coincidental with those of the existing Business Committeeman #2. That is the position currently held by Jim Snow. It is on the ballot currently. Thus, these two legislators’ initial terms will continue until the elections of 2011.

Four of the legislators from outside Oklahoma would serve terms coincidental with the Chairman’s term. Thus, their first term of office would end in 2009. They would reside in and represent Legislative Districts 1, 2, 3, and 4.

The four remaining non-Oklahoma legislators would serve terms coincidental with those of the Vice Chairman and Secretary-Treasurer. Their initial term would end in 2010. They would live in and represent Legislative Districts 5, 6, 7, and 8.

The constitutional change proposal is silent on which numbers will be assigned to each district and what the district boundaries will be. Those decisions are to be made by the existing Business Committee at the previously mentioned meeting that is to occur within 10 days after approval of the amendment.

Creating a proposal for legislative district boundaries has been a balancing act involving the need to keep district “populations” as closely matched as possible while still maintaining the geographical integrity of the eight regions established in the mid-1980s. “We’re having to re-align the traditional eight regions that we had prior to this,” Chairman Barrett says.

There has been only one region east of the Mississippi River, including the Great Lakes area. “There are just too many (tribal members) in that area,” Chairman Barrett said. “So, that had to be divided into two regions.”

The two eastern U.S. legislative districts would be divided, on a north-south basis, by a line from the Atlantic Ocean along Virginia’s and Kentucky’s northern boundaries and Missouri’s southern boundary. A new Southeast legislative district would be

formed by taking its western border from the just-described line south to the Gulf of Mexico from the point at which Oklahoma's and Missouri's northern borders meet.

The western boundary of the new Northeast district would coincide with the western boundaries of Kansas, Iowa, and Minnesota.


Because of population considerations, the existing Rocky Mountain (Denver) and Southwest (Phoenix) regions would be combined into a legislative district that is comprised of New Mexico, Arizona, Colorado, and Utah.

The Northwest district would include Washington, Oregon, a significant portion of northern California, Montana, Wyoming, the Dakotas, Nebraska, and most of Idaho.

A Southern California district would include that part of the state from Bakersfield on south. A Northern California district would include most of the remainder of the state and a portion of Idaho.

The state of Kansas would form a legislative district on its own. It is possible that a portion of western Kansas would be placed into the district formed by combining the existing Rocky Mountain and Southwest regions. Almost all of the state of Texas would form the final legislative district.

The legislature would meet quarterly. After it is created, its members could decide on additional meetings. The quarterly meetings would be held on the final Thursday in February, May, August, and November.



**United States Department of the Interior**  
Bureau of Indian Affairs  
Southern Plains Regional Office  
P. O. Box 368  
Anadarko, Oklahoma 73005  
June 15, 2007

**ELECTION NOTICE**  
CITIZEN POTAWATOMI NATION

Members of the Citizen Potawatomi Nation are hereby advised an election will be held on **Thursday, August 16, 2007**, for the purpose of voting on a proposed revised constitution. The election will be conducted by the Bureau of Indian Affairs for the Citizen Potawatomi Nation in accordance with Part 81 of Title 25 of the Code of Federal Regulations (25 CFR Part 81). This election is not a tribal election and will not be conducted under tribal election procedures.

Pursuant to the requirements of 25 CFR Part 81.6, **only adult tribal members who register to vote** in this election will be entitled to vote on the ratification or rejection of the proposed revised constitution. A notice is being mailed to all members 18 years of age and older at the address listed on the current tribal membership roll with a voter registration form. Some 17 year old tribal members will receive this notice and have an opportunity to register. However, only those who are at least 18 years old on the date of the election will be allowed to vote, provided they have registered. Any member who does not receive a Voter Registration Form by mail should request one from the Secretariat (Election Board).

**THE REGISTRATION FORMS MUST BE RECEIVED BY THE SECRETARIAT ELECTION BOARD, NO LATER THAN JULY 15, 2007, 4:00 PM CENTRAL STANDARD TIME.**

This election is to be conducted by **ABSENTEE BALLOTS ONLY**. There will be no polling sites. If your registration form is received by the deadline, you will automatically be mailed an absentee ballot. You will not need to make a separate request for an absentee ballot.

It is particularly important and is being emphasized and repeated that **only adult tribal members who register to vote in this election will be permitted to cast ballots on the ratification or rejection of the proposed revised constitution.**

Immediately after the ballots are counted, the results of the election will be posted at the Bureau of Indian Affairs, Southern Plains Regional Office (Anadarko, OK), and the Citizen Potawatomi Headquarters (Shawnee, OK).

*J. Suzanne Charney*  
Chairperson, Election Board

OR

Jamie Mouska  
Citizen Potawatomi Nation Headquarters  
1601 S. Gordon Cooper Drive  
Shawnee, OK 74801  
405-276-3121  
405-650-8880

OR

Suzanne Charney  
Bureau of Indian Affairs  
Southern Plains Regional Office  
P. O. Box 368 (Mailing address)  
100 Riverside Drive (Physical address)  
Anadarko, OK 73005  
405-247-1037

The Chairman would have the authority to call the legislature into special session "at his discretion." Legislators would have the ability to force the Chairman to call a special session "upon written request of nine members."

Legislative vacancies would be filled by appointment of the Chairman on an interim basis until the next regular election. At that time, an election would be held to fill the remainder of the term. A Chairmanship vacancy would be filled by immediate assumption of that office by the Vice Chairman. At the next regularly scheduled election, someone to fill the remainder of the Chairman's term would be elected.



This map offers a rather close approximation of what the eight legislative district boundaries will be if CPN members approve a constitutional revision in voting that closes on August 16.

The proposed constitution prevents declaring the Vice Chairman's position vacant in an instance in which that officer has filled a vacant Chairmanship. If the Vice Chairman was not elected to fill the remainder of the Chairman's term, he would return to the Vice Chairmanship to serve the remainder of the term to which he was elected.

The legislature would have an even num-

ber of members, allowing for the possibility of tie votes, and balanced representation between Oklahoma, where the Nation's land base and jurisdictional area are, and the remainder of the tribal membership. "That is intentional," Chairman John Barrett says. "We are going to ask that the people from the regions and the people from Oklahoma work it out (with regard to controversial issues)."

**Quality Housing - Highly Affordable**

*The CPN Housing Authority is accepting applications for move-in at its BRAND NEW Elder Living Complex adjacent to the Community Center in Rossville, Kansas.*

*These are two-bed, one-bath units with a maximum monthly rent of \$250.*

*Two of the available units are handicapped-accessible.*

*We are looking for Elder CPN members who currently reside anywhere in the United States.*






*For more information, call Lyman Boursaw at 785-584-6401 or 785-249-2915.*

## Vote for Bobbie Bowden

Citizen Potawatomi Voters:

I have been personally acquainted with Bobbie Bowden for more than 15 years. As the past President and former owner of the company that Bobbie works for, I have always found her to be honest, hardworking very reliable. Bobbie is dedicated to her clients and friends and would do most anything you ask of her. I consider Bobbie to a person that her peers and subordinates admire and look up to. Bobbie is a person with great integrity and the zeal to get things done. I agree with Citizen Potawatomi Nation Business Committee member Paul Schmidtkofer that Bobbie would be an energetic, forward-looking addition to CPN leadership. - Clifford Cox



*Bobbie Bowden and Paul Schmidtkofer*

## Vote Bobbie Bowden

Citizen Potawatomi Nation Business Committee

Ad Paid for by Friends of Bobbie Bowden

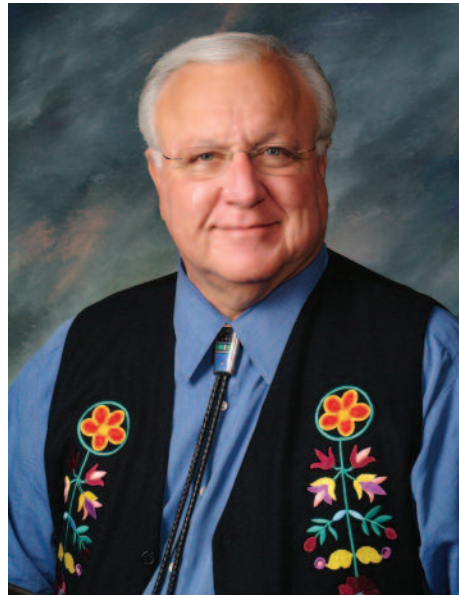
# Letter From The Chairman

Bozho, Nikanek (Hello, my friends),

As you receive this issue of the *HowNiKan*, you will have received a letter from the Bureau of Indian Affairs requesting your return of ballot in order to vote to approve the new Constitution. Please send it back in as soon as possible. The new Constitution will have a very positive, long-term influence on our government by providing stability and more fair representation for all of our people.

There is a run-off election in process for Business Committee between Mrs. Bobbie Bowden and the incumbent. Please vote for Mrs. Bowden. She is the most qualified candidate - by far. She has more business experience, education, and management capability. Her opponent, Jim Snow, has been a problem for the entire Business Committee with improprieties and behavior that is embarrassing to our Tribe.

The Potawatomi Leadership Program this summer brings our best and brightest young people to the Nation to learn how and why our government works. This year we have Kyler Johnson, Curt Pahmahmie Devader, Robert Lewis, Garrett Babb, Brad Johnson, and Steve Adamietz. These young people, all about to enter their college careers, are very outstanding young adults. With people like this coming in the future to lead our Tribe, we can be confident that all will be well. I am enjoying their time here. I am grateful to their families for allowing them this opportunity. If you know an outstanding young person



about to enter college next year, please tell him or her about the program.

I want to thank all of the Nation's employees who did such a wonderful accomplishment in overcoming the flooding and damage to the Festival grounds just two days prior to our annual celebration. Working virtually around the clock, they did a fantastic job. The Citizen Potawatomi Nation is very proud of you, and is grateful.

Thank you for the honor of serving as your Tribal Chairman.

**CITIZEN POTAWATOMI NATION**

John A. 'Rocky' Barrett  
Tribal Chairman

*POTAWATOMI CORNERSTONE, con't. from page 12*

The new amendments established eligibility for membership by date of birth and blood quantum. Section 1(c) allowed membership into the tribe by birth date prior the effective date of the amendment which was June 29, 1961. Section 1(d) permitted membership into the tribe through possessing a blood quantum of one-eighth or more of Citizen Potawatomi blood, regardless of date of birth. This change also established the five digit tribal identification number.

The proposed changes were approved for an election by the Secretary of Interior on April 24, 1961. The election was held on June 29, 1961. The changes were adopted by a vote of 101 for and 8 against.

In 1971, changes were made, amending four Constitutional Articles and one Article from the By-laws. They were put to a vote in a special election held on April 17. These amendments included: Article 4, Section 1, moving the date of annual meeting of the Council to the last Saturday of June; Article 7, concerning elections, was rewritten, with three sections added to it; Article 10, a Bill of Rights for tribal members, was added - a new section concerning Title 2 of the federal Civil Rights Act of 1968; Article 11, concerning amendments, was re-worded for clarity; and Article 2 of the By-laws was modified to require that candidates and elected officials reside in Pottawatomie, Seminole, Pontotoc, McClain, Oklahoma, Lincoln, Cleveland or Okfuskee counties in Oklahoma.

Each change was voted on individually. While the number of votes cast was different for each revision, was approved by a significant margin.

The next major revision of the constitution took place in 1985. It extended the old constitution from 11 articles to 21, with the additions of Article 22, Certificate of Approval, and Article 23, Certification of Ratification also included. Approval to have this proposed revision put to a vote occurred on March 28, 1985. The measure was voted on by the Tribe on May 29, 1985. It was ratified with overwhelming support, by a count of 1,568 for and 358 against, with 62% of tribal members who registered followed through by voting.

The new Article 2 listed Objectives to promote welfare, benefits, rights, and privileges outlined in the Oklahoma Indian Welfare Act of 1936 and any federal laws that might be enacted for the benefit of our tribal members. In addition, the amendment allowed securing a charter of incorporation from the Secretary of the Interior that would allow the tribe to exercise the powers vested in the OIWA.

Under Article 4, concerning Tribal Jurisdiction, the amendment listed specific jurisdictional and governmental powers of the tribe. It provided a mechanism for establishing a tribal judicial system, a tribal law

enforcement agency, and other administrative agencies.

Article 11 provided for creation of a Supreme Court comprised of seven Justices who would serve six-year terms. At the end of their terms, each Justice and District Court Judge had the option to be considered for reconfirmation with the approval of the Council.

The new constitutional change set up a process to allow judicial power to be carried out by the BIA Anadarko Area Office Court of Indian Offenses during the period of installation and confirmation of the Tribe's own judges and justices. It provided that the Business Committee had the authority to contract for the operation of that court, separately or in conjunction with other tribes within the jurisdiction. The amendment also provided for an interim tribal judicial system if the Citizen Potawatomi chose against contracting with the Anadarko Area Office.

The 1985 amendments also made another change in how tribal elections were to be held. They providing for staggered terms of office. Article 12 Section 3 called for elections for Vice Chairman and Secretary-Treasurer to be held in even-numbered years while elections for Chairman, Councilmen, and Grievance Committee members would be held in odd-numbered years.

Another milestone that shows how our Nation and its people have progressed was the reform in 1989 concerning tribal membership. Article 3 extended membership rights to descendants of those members who were eligible under the old guidelines. Until this time, membership eligibility was open to just those Citizen Potawatomi who were born prior to June 29, 1961 or possessed a blood quantum of 1/8 or more. The 1989 change allowed those Citizen Potawatomi who were born after June 29, 1961 to be eligible for tribal membership, regardless of blood degree.

In my opinion, this change has been one of the most important milestones in our constitutional history. It has allowed our tribe to double its membership numbers in 10 years, making us the ninth largest tribe in the United States.

In that same 1989 election, length of terms for the Business Committee was extended to four years, from two. Again, this gained approval with an overwhelming majority voting for ratification.

The last changes to the constitution was enacted in 1996. Two proposed amendments went to a vote on February 29, 1996. By a margin of two to one, the name "Citizen Band of Potawatomi Indians of Oklahoma" was changed to "Citizen Potawatomi Nation." The second change clarified the intent of Article 3 Section 1, concerning the prosthetics (Health Aids) program.

## The CPN Office of Environmental Health Water & Septic System Assistance Program

**Water and sewer system installation for Native Americans**

**Call the OEH for information or assistance**

**Telephone number 405-878-4672**

**Fax number 405-878-4678**

### Requirements....

- 1. CDIB card indicating affiliation with a federally recognized tribe**
- 2. Copy of a Warranty Deed -**
- 3. A Photo ID -**
- 4. Residence in Pottawatomie, Cleveland, Lincoln, Oklahoma, or Logan county**